

April 15, 2003

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**APPROVAL OF A CONSULTING CONTRACT
TO PROVIDE SERVICES FOR
THE INSPECTION OF PLAYGROUNDS
(All Districts - 3 Vote Matter)**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find this contract is categorically exempt under the California Environmental Quality Act (CEQA).
2. Approve and instruct the Chair to sign the attached contract with PlaySafe, LLC, for the provision of conducting playground inspections at parks and employee childcare centers throughout the County, for a total maximum contract cost of \$88,475 for one (1) year, effective upon your Board's approval.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Award of this contract will enable this Department and Health Services (DHS), Public Social Services (DPSS) and Public Works (DPW) Departments to comply with State regulations relating to the safety of playgrounds. In January 2000, the State required operators of public playgrounds to perform an initial inspection of playgrounds and implement any changes identified, as necessary, to comply with the law within ten months. The State also required operators to train their personnel in the design, installation, and maintenance of playgrounds on the requirements of the code.

In response to the State mandate, the Department enrolled four existing staff members in the National Playground Safety Institute courses to become certified to inspect the Department's playgrounds. Since these staff members inspected the playgrounds after

their regular full-time duties were completed, the Department was unable to inspect its playgrounds within the time frame established by the State.

Currently, there are no more than 82 parks and 7 employee child care centers which require an initial inspection. The Chief Administrative Office (CAO) requested the assistance of this Department to inspect employee child care centers hosted by DHS, DPSS and DPW.

The Department conducted a competitive solicitation to obtain a consultant to perform the required services immediately and provide training to department staff for future inspections of the playgrounds. The recommended contractor, PlaySafe, LLC (PlaySafe), is a recognized leader in the field having performed playground inspections and developed compliance plans for municipalities with comparable number of playgrounds. According to the attached contract, PlaySafe will inspect all Department and employee child care playgrounds within a three (3) month time frame and will commence immediately upon your Board's approval. Additionally, PlaySafe will provide training to Department staff on rules and regulations of State law and how they should be applied to daily operations and related consultation.

Based on PlaySafe's findings of the playgrounds, the Department will develop an immediate corrective action plan to remedy deficiencies identified by the consultant. The CAO will work with DHS, DPSS and DPW to develop and implement corrective action plans for the employee child care center playgrounds.

With regards to the construction of new playgrounds, the Department requires that a contractor obtain a third-party inspection and certification by an independent Certified Playground Safety Inspector at the completion of construction. Therefore, once the initial inspections of existing playgrounds are completed and necessary changes are implemented, all Department and employee child care center playgrounds will be in compliance with State requirements.

This contract is exempt under Chapter 2.121 of the Los Angeles County Code, which provides guidelines for contracting with private businesses because:

- The service cannot be performed adequately, competently, or satisfactorily by civil service employees and it is impossible to recruit personnel to perform the services in the period of time services are needed by the County.
- The service is of an extraordinary professional or technical nature and of a temporary nature. The inspection services, development of a compliance plan, and employee training requires a substantial knowledge of the State laws and the Consumer Safety Specifications for playground equipment and exceeds staff

knowledge and ability. Additionally, proposed services are temporary in nature as the State requires a one-time inspection of playgrounds existing at the time of the adoption of these regulations.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The proposed contract will further the Board-approved County Strategic Plan Goal 2, Workforce Excellence, by providing a safe environment for the children of County employees who attend the childcare centers and Goal 5, Children and Families' Well-Being, by ensuring safe playgrounds for park and childcare patrons.

FISCAL IMPACT/FINANCING

The recommended contractor's cost is \$88,475. Funding for this contract was appropriated in the Department's Fiscal Year 2002-03 adopted budget.

The Department will work with the CAO to identify future funding necessary to implement the corrective action plan.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Pursuant to the California Code of Regulations, Title 22, Chapter 22, Safety Regulations for Playgrounds, all operators of public playgrounds were required to complete an initial one-time inspection of their playgrounds by a Certified Playground Inspector by October 1, 2000. Based on the inspection, operators are required to implement changes necessary to comply with the requirements of the law.

In compliance with the Section 31000 of the California Government Code, your Board may contract for special services with persons specially trained, experienced, expert, and competent to perform the special services. This Department solicited proposals from private contractors to provide the audit and inspection of the playgrounds.

The term of the contract is for one (1) year and will commence upon approval by your Board.

The District Attorney approved the Child Support Compliance Program provision of this Contract and issued a certificate of compliance for PlaySafe.

The contract contains all applicable Board-mandated provisions including non-payment for services provided after the expiration date or in excess of the authorized contract sum, notification requirements of the contractor, Jury Service Program, GAIN/GROW Programs, Federal Earned Income Credit notification, Quality Assurance Plan, use of recycled-content paper, debarment, and Indemnification and Insurance.

PlaySafe has executed the attached contract and will provide the required insurance policy naming the County of Los Angeles as an additional insured. In addition, County Counsel has approved the contract as to form.

NEGATIVE DECLARATION/ENVIRONMENTAL IMPACT REPORT

The approval of this contract for playground inspection services is categorically exempt under the California Environmental Quality Act (CEQA) according to Section 15061 (b)(3) because it can be seen with certainty that this action will have no significant effect on the environment.

CONTRACTING PROCESS

On November 12, 2002, the Department commenced a competitive solicitation for playground audit and inspection services by mailing notices to fourteen (14) companies. The notice included bilingual instructions on how to contact the Department regarding this project. Prospective contractors were identified by using the California Park and Recreation Society's list of qualified consultants and by posting the opportunity on the County's "Doing Business with Us" Web Page.

Eight (8) companies attended the Proposers' Conference on November 21, 2002. Proposals were received by six (6) companies on December 12, 2002. One company was deemed non-responsive to the minimum requirements of the Request for Proposal (RFP).

An Evaluation Committee consisting of staff from the Department and representatives from local municipalities evaluated the proposals based on the criteria identified in the RFP. The Committee reviewed and evaluated the proposals for qualifications and experience, financial resources, approach, and time frame for conducting inspection services. PlaySafe submitted the highest ranked proposal. The selection was determined without regard to gender, race, creed, color, or national origin.

The Department has evaluated and determined that the Living Wage Program (County Code Chapter 2.201) does not apply to the recommended contract with PlaySafe, LLC, since the contract is exempt under Chapter 2.121 of the Los Angeles County Code.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The proposed services will have a positive impact to park and childcare patrons by ensuring that all playgrounds provide a safe, recreational environment. The services will also enhance the efforts of the Department staff by providing proper training to ensure maintenance and inspection tasks are being performed properly according to State law.

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CONCLUSION

A certified copy of the action taken by your Board and a fully-executed copy of the attached contract should be mailed to PlaySafe, LLC, 4913 Simon Drive, Albuquerque, NM 87114. It is also requested that two (2) signed copies be forwarded to this Department.

Respectfully submitted,

Tim Gallagher
Director

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Attachments

c: Executive Officer (22)